

Mail Stop Interference
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Paper 1

Filed January 18, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

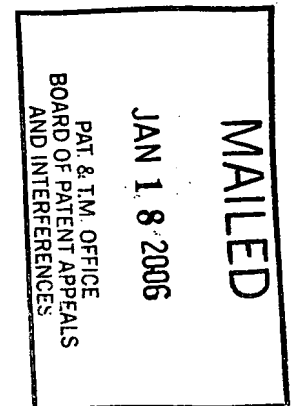
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Olympus Optical Co., LTD.,
Junior Party
(Patent 5,768,024;
Named Inventor: Koichi Takahashi)

v.

Canon Kabushiki Kaisha,
Senior Party
(Application 09/333,998
Named Inventors: Shoichi Yamazaki and Takeshi Nishimura).

Patent Interference No. 105,342 (RES)
(Technology Center 2800)



DECLARATION - Bd.R. 203(d)¹

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.
3 Details of the application(s), patent (if any), reissue application (if any), count(s) and claims
4 designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this
5 DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Richard E. Schafer has been designated to manage the
8 interference. 37 CFR § 41.104(a).

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

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A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION.
The STANDING ORDER applies to this interference.

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A telephone conference call to discuss the interference is set for **2:00 p.m. on March 17, 2006** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR §§ 41.120 & 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A schedule for taking action during the motion phase is set in a separate order. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

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Named inventors:	Koichi Takahashi
Involved/Patent:	Patent 5,768,024
Title:	Image Display Apparatus
Assignee:	Olympus Optical Co., LTD.

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Named Inventors:	Shoichi Yamazaki and Takeshi Nishimura
Involved Application:	Application 09/333,998
Title:	Head-up Display Device with Curved Optical Surface Having Total Reflection
Assignee:	Canon Kabushiki Kaisha

1 **Part F. Count and claims of the parties**

2 The claims of the parties are:

3 Olympus: 1-17

4 Canon: 11-36

5 **Count 1**

6 Claim 17 of Patent 5,768,024.

7 The claims of the parties which correspond to Count 1 are:

8 Olympus: 13-17

9 Canon: 11-36

10 The parties are accorded the following benefit for Count 1:

11 Olympus: None

12 Canon: Application 09/959,285; October 24, 1997

13 Application 08/478,688; June 7, 1995

14 The claims of the parties which do not correspond to any count, and therefore are not
15 involved in the interference, are:

16 Olympus: 1-12

17 Canon: None

1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

3
4 UNITED STATES PATENT AND TRADEMARK OFFICE

5
6 BEFORE THE BOARD OF PATENT APPEALS
7 AND INTERFERENCES

8
9 Olympus Optical Co., LTD.,
10 Junior Party
11 (Patent 5,768,024;
12 Named Inventor: Koichi Takahashi)

13
14 v.

15
16 Canon Kabushiki Kaisha,
17 Senior Party
18 (Application 09/333,998
19 Named Inventors: Shoichi Yamazaki and Takeshi Nishimura).

20
21 Patent Interference No. 105,342 (RES)
22 (Technology Center 2800)
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25 **Part H. Order form for requesting file copies**

26 When requesting copies of files, use of SO Form 4 will greatly expedite processing of the
27 request. Please attach a copy of Parts G and H of this DECLARATION with a hand-drawn circle
28 around the patents and applications for which a copy of a file wrapper is requested.

/Richard E. Schafer/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy of U.S. Patent 5,768,024
Copy of claims of Application 09/333,998

Revised 3 January 2006

cc (via overnight delivery):

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The opinion in support of the decision being
entered today is not binding precedent of the Board.

Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
Tel: 571-272-9797
Fax: 571-273-0042

Paper 2718
Filed: June 21, 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

Olympus Optical Co., LTD.,
Junior Party
(Patent 5,768,024;
Named Inventor: Koichi Takahashi)

v.

Canon Kabushiki Kaisha,
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(Application 09/333,998
Named Inventors: Shoichi Yamazaki and Takeshi Nishimura).

Patent Interference No. 105,342 (RES)
(Technology Center 2800)

Before: SCHAFFER, NAGUMO and MOORE, Administrative Patent Judges.
SCHAFFER, Administrative Patent Judge.

Judgment - Request for Adverse - Bd.R. 127(b)

Olympus has requested entry of adverse judgment with respect to the subject matter of
the Count. Paper 26.

Accordingly, it is

ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 3) is awarded against the junior party, Olympus Optical Co., LTD. (Patent 5,768,024);

FURTHER ORDERED that junior party, Olympus Optical Co., LTD., is not entitled to a patent containing claims 13-17 (corresponding to Count 1) of Patent 5,768,024;

FURTHER ORDERED that a copy of this judgment be made of record in the files of U.S. Patent 5,768,024 and Application 09/333,998;

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Richard E. Schafer/</u>)
RICHARD E. SCHAFER)
Administrative Patent Judge)
)
<u>/James T. Moore/</u>) BOARD OF PATENT
JAMES T. MOORE) APPEALS AND
Administrative Patent Judge) INTERFERENCES
)
<u>/Mark Nagumo/</u>)
MARK NAGUMO)
Administrative Patent Judge)

cc (e-mail):

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